In the High Court of Judicature at Madras

Dated : 09.2.2016

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN
and
The Honourable Mr.Justice N.KIRUBAKARAN

Tax Case Appeal No.98 of 2016

The Commissioner of Income Tax,
Coimbatore. ...Appellant/ Appellant

Vs

M/s.The Peria Karamalai Tea and
Produce Company Ltd., Coimbatore. ...Respondent/ Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 22.5.2015 made in I.T.A.No.2479/Mds/2014 on the file of the Income Tax Appellate Tribunal, Madras 'C' Bench for the assessment year 2010-2011 against the order of the Commissioner of Income Tax (Appeals) I, Coimbatore in Appeal No.254/13-14 dated 18.7.2014 for the assessment year 2010-2011 and against the order of the Assessmet order passed by Deputy Commissioner of Income Tax, Company Circle I(1) Coimbatore in PAN/GIR.No.AAACT7928H, dated 28.3.2013 for the assessment year 2010-2011.

For Appellant : Mr.T.R.Senthilkumar

JUDGMENT WAS DELIVERED BY V.RAMASUBRAMANIAN,J

The Revenue has come up with the above appeal raising the following substantial questions of law :

> "(i) Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was correct in holding that the receipt from the sale of tree trunks/wood does not constitute income from business on the ground that there is no re-generation of income ?
>
> (ii) Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was correct in not considering the ratio of the decision of the Apex Court in the case of CIT Vs. Ambat Echukutty Menor [120 ITR 70] relied upon by the Assessing Officer in the assessment order ? and

(iii) Whether on the facts and circumstances of the case, the Appellate Tribunal is correct in law in relying on the decision of the High Court in the assessee's own case wherein the High Court has relied on the decisions of the Apex Court in the case of Vishnudatta Antharjana Vs. Commissioner of Agricultural Income Tax [78 ITR 58] and V.Venugopal Varma Rajah Vs. CIT [(1970) 96 ITR 460] and when these judgments are not applicable to the facts of the case ?"

2. Heard Mr.T.R.Senthilkumar, learned Standing Counsel for the Revenue.

3. In the order impugned in the above appeal, the Tribunal followed its own earlier decision as against the very same assessee for the earlier assessment year. That order of the Tribunal has now attained finality by a decision rendered on 8.9.2014 by this Court in CIT Vs. Peria Karamalai Tea and Produce Co.Ltd. [(2015) 229 Taxmann 200].

4. Accordingly, the above tax case appeal is dismissed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Income Tax Appellate Tribunal, Madras 'C' Bench
Madras

2. The Commissioner of Income Tax, Coimbatore

3. The Commissioner of Income Tax (Appeals) I
Coimbatore

4. The Deputy Commissioner of Income Tax
Company Circle I(1) Coimbatore

1 cc t Mr.T.R. Senthilkumar, sr. Standing counsel for Income Tax, Department Sr. 8586

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